

REMARKS

Summary Of The Office Action & Formalities

Status of Claims

Claims 1-5 and 7-10 are all the claims pending in the application.

Drawings

The Examiner did not acknowledge that the drawings filed on February 22, 2005 are accepted. Therefore, Applicants respectfully request the Examiner to check the appropriate box on the form PTO-326 indicating that the drawings are accepted.

Art Rejections

1. Claims 1-5 and 7-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Garcia et al. (US 6,364,181).

2. Claims 1-5 and 7-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Pierpont (US 4,984,702).

Applicants respectfully traverse.

Claim Rejections - 35 U.S.C. § 102

1. *Claims 1-5 and 7-10 In View Of Garcia et al. (US 6,364,181).*

In rejecting claims 1-5 and 7-10 in view of Garcia et al. (US 6,364,181), the grounds of rejection state:

Garcia et al disclose, in figs.1-3, a fastener member for fastening a dispenser member (4) on a fluid reservoir, said fastener member comprising a fastener ring (2) and a covering hoop (1), the fastener ring (2) including reception means (24) for receiving the dispenser member (4), and fastener means (25) for fastening on the reservoir, the covering hoop (1) being mounted by axial engagement around the ring (2) in such a manner as to mask it at least in part, the hoop (1) including hook means (13) co-operating with retention means (26) formed by the ring (2), said hook means

(13) include means (15,16) for preventing the hoop (1) from rotating around the ring (2) and preventing the hoop (1) from moving in axial translation, and thereby becoming axially disengaged from the ring (2), the retention means formed by the ring (2) including at least one retention housing (26) that is accessible by axial engagement, said means for preventing both turning and movement in translation co-operating with the retention housing (36), the means for preventing movement in including at least one barb profile (tooth) adapted to bite into the housing, wherein the retention housing (36) is defined by two opposite, vertical, longitudinal walls (edge wall 26 and thin wall 23), the hook means (13) being engaged with said walls (26, 23).

Office Action at pages 2-3.

Garcia does not disclose or suggest: “hook means (35) [that] include means (351, 352) for preventing the hoop (3) from rotating around the ring (2) and means (352) for preventing the hoop (3) from moving in axial translation,” as recited in claim 1 and “a hook . . . that prevents the hoop from rotating around the ring and . . . that prevents the hoop from moving in axial translation,” as similarly recited in claim 10. Specifically, Garcia teaches a “rim 13 . . . with teeth 15 that are downwardly directed inside the cover 1. The teeth 15 are designed to bite into the edge 26 . . . Implanting the teeth 15 in the edge 24 prevents any possibility of the cover rotating on the body of the ring.” See col. 3, lines 24-31.

In other words, the teeth 15 biting in the edge 26 prevent the cover 1 from turning on the ring 2. However, the teeth alone cannot provide an axial locking which is achieved by forming the cover 1 with a fold adapted to be snap-fastened under the collar 22 of the ring. In addition, the teeth 15 in Garcia do not bite in wall 23.

As a result, the teeth 15 in Garcia are neither hook means, as recited in claim 1, nor a hook, as recited in claim 10, because they do not prevent the cover from moving in axial translation.

In addition, Garcia does not disclose or suggest a “retention housing (225) [that] is defined by two opposite, vertical, longitudinal walls (224), the hook means (35) being engaged with said walls (224),” as originally claimed in claim 6 and now recited in claim 1 and “a fastener ring comprising a retention housing comprising two opposite, vertical, longitudinal walls,” as similarly recited in claim 10.

Specifically, edge 26 and wall 23 in Garcia cannot be considered as parts of a retention housing with two opposite vertical walls, as alleged by the Examiner (*see* pages 2-3 of the Office Action), because edge 26 is not vertical and wall 23 does not face edge 26.

Consequently, Garcia fails to disclose or even suggest the above-noted unique features of claims 1 and 10 and thus fails to describe each and every element as set forth in the claims, either expressly or inherently.

Therefore, claims 1 and 10 are not anticipated by Garcia. Applicants respectfully request that the rejection of claims 1 and 10 under 35 U.S.C. § 102(b) be reconsidered and withdrawn. Claims 2-5 and 7-9 depend on claim 1 and are patentable over Garcia at least by virtue of their dependency.

2. Claims 1-5 and 7-10 In View Of Pierpont (US 4,984,702).

In rejecting claims 1-5 and 7-10 in view of Pierpont (US 4,984,702), the grounds of rejection state:

Pierpont discloses, in figs.1 and 2, a fastener member for fastening a dispenser member (82) on a fluid reservoir, said fastener member comprising a fastener ring (32) and a covering hoop (24), the fastener ring (32) including reception means (26) for receiving the dispenser member (82), and fastener means (22) for fastening on the reservoir, the covering hoop (24) being mounted by axial engagement around the ring (32) in such a manner as to mask it at least in part, the hoop (24) including hook means (54) co-operating with retention means (60) formed by the ring (32),

said hook means (54) include means (56) for preventing the hoop (24) from rotating around the ring and preventing the hoop from moving in axial translation, and thereby becoming axially disengaged from the ring, the retention means 60 formed by the ring (32) including at least one retention housing that is accessible by axial engagement, said means for preventing both turning and movement in translation co-operating with the retention housing (60), the means for preventing movement in including at least one barb profile (distal edge 56) adapted to bite into the housing, wherein the retention housing (60) is defined by two opposite, vertical, longitudinal walls, the hook means (54) being engaged with said walls.

Office Action at page 3.

Pierpont does not disclose or suggest: “the retention housing (225) is defined by two opposite, vertical, longitudinal walls (224), the hook means (35) being engaged with said walls (224),” as recited in claim 1 and “a hook that is inserted between the two opposite, vertical, longitudinal walls of the retention housing,” as similarly recited in claim 10.

Specifically, in Pierpont, “[t]he inner distal edge of the flange 56 digs into the resilient plastic of the boss 58 of collar 26.” *See* Fig. 3 and col. 3, lines 50-54. In other words, the flange 56 does not bite both of the opposite walls of the retention housing. Instead, Fig. 3 clearly shows that a gap is present at well 60.

Consequently, Pierpont fails to disclose or even suggest the above-noted unique feature of claims 1 and 10 and thus fails to describe each and every element as set forth in the claims, either expressly or inherently.

Therefore, claims 1 and 10 are not anticipated by Pierpont. Applicants respectfully request that the rejection of claims 1 and 10 under 35 U.S.C. § 102(b) be reconsidered and withdrawn. Claims 2-5 and 7-9 depend on claim 1 and are patentable over Pierpont at least by virtue of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Raja N. Saliba
Registration No. 43,078

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: April 4, 2008